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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 SHARON A. HELSEL,

Case No. 3:13-cv-00135-MMD-WGC

10 Plaintiff,

ORDER ACCEPTING REPORT AND
RECOMMENDATION

11 v.

12 CAROLYN W. COLVIN, Commissioner of
Social Security,

13 Defendant.

14
15 Before the Court is Magistrate Judge William G. Cobb's Report and
16 Recommendation ("R&R") (dkt. no. 24), regarding Plaintiff Sharon A. Helsel's Motion to
17 Remand (dkt. no. 14) and Defendant Carolyn W. Colvin's Cross-Motion For Summary
18 Judgment (dkt. no. 22). Judge Cobb entered the R&R on February 5, 2014. Objections
19 to the R&R were due by February 22, 2014. No objections were filed.


20 This Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely
22 objects to a magistrate judge's report and recommendation, then the court is required to
23 "make a *de novo* determination of those portions of the [report and recommendation] to
24 which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,
25 the court is not required to conduct "any review at all . . . of any issue that is not the
26 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth
27 Circuit has recognized that a district court is not required to review a magistrate judge's
28 report and recommendation where no objections have been filed. See *United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
5 district courts are not required to review "any issue that is not the subject of an
6 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
11 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to
12 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on
13 the record. The R&R thus recommends that the Court deny Plaintiff's motion to remand
14 for a new hearing (dkt. no. 14) and grant Defendant's Cross-Motion for Summary
15 Judgment (dkt. no. 22). In reaching its conclusion, the R&R makes the following findings:
16 (1) the ALJ met his burden of showing specific, legitimate reasons supported by
17 substantial evidence for rejecting consultative physician's assessment of Plaintiff's ability
18 to stand or walk; and (2) the ALJ properly set forth specific, clear and convincing reasons
19 for making an adverse credibility determination regarding Plaintiff's testimony and
20 allegations of her limitations. Upon review of the R&R and the record in this case, the
21 Court determines that it is appropriate to adopt the R&R in full.

22 It is hereby ordered that the R&R (dkt. no. 24) is accepted and adopted. Plaintiff's
23 Motion to Remand (dkt. no. 14) is denied and Defendant's Cross-Motion For Summary
24 Judgment (dkt. no. 22) is granted. The decision of the ALJ is affirmed.

25 DATED THIS 10th day of July 2014.

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28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE